

PATENT

97-0326-HC

J6497(C)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brandt et al.
Serial No.: 09/275,149
Filed: March 24, 1999
For: HAIR STYLING COMPOSITIONS
Express Mail: EF 223 106 084 US

Group: 1615
Examiner: A. Berman
Edgewater, NJ 07020
April 4, 2001

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Prior to examination of the captioned application, please amend said application as follows:

In the Claims

Please cancel, without prejudice, all of the pending claims, that is claims 1-15.

Please add the following new claims:

16. (New) A hair styling polymer comprising:

- (a) from about 0.04% to about 1.5% active of a holding polymer selected from the group selected from the group consisting of a vinyl-based resin and an acrylic-based resin;
- (b) a saccharide with greater than 55 monomer units; and is selected from the group consisting of hydroxyethyl cellulose, and polyglucose saccharide; and
- (c) a carrier selected from the group consisting of methanol, ethanol, n-propanol, isopropanol, and a mixture thereof; and

wherein the ratio of (a) to (b) is about 1.0:2.2 to about 1.0:01.

17. (New) A hair styling polymer according to claim 1, wherein the ratio of (a) to (b) is about 1.0:1.25 to about 1.0:0.1.

18. (New) A hair styling polymer according to claim 1, wherein the ratio of (a) to (b) is about 1.0:0.7.

19. (New) A method for styling hair which comprises:

- (a) contacting the hair with a composition of claim 1;
- (b) shaping the hair;
- (c) drying the hair; and
- (d) combing the hair into a desired style.

REMARKS

Kindly enter the above amendment prior to examination of the captioned application.

The claims in the application were claims 1-15. Claims 1-15 have been cancelled without prejudice, and replaced by new claims 16-18. Entry and allowance of these new claims are respectfully requested.

New claim 16 has support at original claims 1, 6, 11; and at page 6, fourth line from the bottom; and at page 9, lines 1-4. New claim 17 has support at original claim 7. New claim 18 has support at original claim 13.

The applicants do not acquiesce in the Final Rejection of original claims 1-15, but instead reserve the right to prosecute these claims in continuing applications.

New claims 16-18 are allowable for the reasons of record. New claims 16-18 are further removed than the original claims from the cited publications, U.S. Patent No. 4,151,269 and U.S. Patent No. 5,058,859. Specifically, U.S. Patent Nos. U.S. Patent 4, 151,269 and 5,058,859 fail to disclose or suggest the recited ratios of (a) to (b). The experimental data in the specification at page 18, Table 4, Composition P and Table 3, page 17, for example, show compositions with a ratio of 1.0:0.7, which is within the recited ranges, to be advantageous for obtaining good hair holding properties for the claimed compositions.

Applicants were unable to find specific examples in either patent showing the recited weight ratios. Accordingly, allowance of these claims is again respectfully requested.

It is also noted that these new claims avoid the formal rejections of original claims 1-15. Specifically, the rejections as to repeated compounds; use of abbreviations; recitation of a molecular weight of 55 monomer units; and use of improper Markush formats have been obviated.

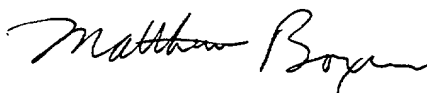
Also the applicants have changed the phrase "less than 1.5% holding polymer" and replaced it with 0.04% to 1.5% holding polymer. Therefore, new claims 16-18, now have a lower limit for the holding polymer as was requested in Final Rejection.

New method claim 18 is patentable, because it employs a patentable composition claim.

Since the newly added claims are in proper form and patentable over the cited publications, allowance of this case is respectfully requested.

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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MB:sc
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